

**REMARKS**

Claims 1-21 are pending; claims 1, 2 and 15-18 have been rejected; and claims 3-14 and 19-21 have been objected to for depending from a rejected base claim. The indication of allowable subject matter with respect to claims 3-14 and 19-21 is appreciated.

The Applicant respectfully requests that the Examiner indicate whether or not the originally filed drawings are acceptable. See PTOL-326, item 10.

**Claims 1, 2 and 15-18 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Irie et al. (US 6,560,125: *hereafter* Irie) in view of Yamamoto (US 6,445,373). The Applicant respectfully traverses this rejection for the following reason(s).**

When an obviousness determination relies on the combination of two or more references, there must be some suggestion or motivation to combine the references. See *In re Rouffet*, 149 F.3d 1350, 1355, 47 USPQ2d 1453, 1456 (Fed. Cir. 1998). The suggestion to combine may be found in explicit or implicit teachings within the references themselves, from the ordinary knowledge of those skilled in the art, or from the nature of the problem to be solved. See *id.* at 1357, 47 USPQ2d at 1458. "When determining the patentability of a claimed invention which combines two known elements, 'the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination.' " *In re Beattie*, 974 F.2d 1309, 1311-12, 24 USPQ2d 1040, 1042 (Fed. Cir. 1992) (quoting *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1462, 221 USPQ 481, 488 (Fed. Cir. 1984)).

*In re Rijckaert*, 28 USPQ2d 1955 (CAFC 1993) states: "A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." *In re Bell*, 991 F.2d 781, 782, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993) (quoting *In re Rhinehart*, 531 F.2d 1048, 1051, 189 USPQ 143, 147 (CCPA 1976). If the examiner fails to establish a *prima facie* case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

## Claim 1

### No motivation to combine references

Claim 1 calls for, in part, *long side reinforcing members mounted on the circuit attachment face of the chassis base along a long side direction thereof, and short side reinforcing members mounted on the circuit attachment face of the chassis base along a short side direction thereof, wherein at least one pair of said short side reinforcing members is made of a first material having a higher rigidity than a second material from which the chassis base is made.*

The Examiner acknowledges that Irie is silent in its teachings with respect to the foregoing features of claim 1. We note, however, the Irie does disclose frames 29 are formed for the purpose of reinforcing the chassis 2. See Fig. 4. Irie makes no mention of the material used for frames 29. For chassis 2, Irie discloses that "chassis 2 is made of die-cast conductive materials. As for the conductive materials, aluminum is preferably selected."

In view of the lack of disclosure in Irie with regard to the materials of frames 29, the Examiner refers us to the teachings of Yamamoto. The Examiner does not show that there is a problem with the reinforcement of Irie's chassis 2 by frames 29. Thus there is no motivation for one of ordinary skill in the art to look to Yamamoto to modify Irie.

We note that the Examiner suggest a motivation by referring to Yamamoto's use of steel. Looking to Yamamoto's teaching with respect to steel, Yamamoto discloses a display apparatus "includes a frame 25. The frame 25 has a rectangular frame structure composed of a combination of four polygonal steel pipes and serves also as a chassis."

Accordingly, there is no need in Yamamoto for reinforcing members to reinforce the chassis (frame 25), Yamamoto has no such reinforcing members and the Examiner has not

identified, by reference numerals, such reinforcing members.

Therefore, since there is (1) no problem that needs to be solved with respect to Irie's chassis 2 and reinforcing members 29, and (2) Yamamoto does not teach using reinforcing members made of a material different from the chassis, then the rejection is deemed to be in error for lack of motivation to combine the teachings of Irie and Yamamoto, and should be withdrawn..

No *prima facie* basis of obviousness

Yamamoto fails to teach *at least one pair of said short side reinforcing members is made of a first material having a higher rigidity than a second material from which the chassis base is made.*

First, we note that the Examiner has not identified what elements in Yamamoto correspond to the claimed *pair of said short side reinforcing members*. Note, *Ex parte Levy*, 17 USPQ2d 1461, 1462 (1990) states:

"it is incumbent upon the examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference."

Instead, the Examiner has referred us to Yamamoto's disclosure from Col. 5, line 60 through col. 6, line 60 as well as Figures 3 and 4. There are numerous elements in the cited section of Yamamoto, thus the Applicant can only surmise, by the Examiner's use of the term "steel" as to what element(s) the rejection is apparently relying on.

Second, looking to Fig. 2 in Irie, we note that chassis 2 and frames 29 are integrally formed from the apparent die-casting disclosed by Irie. Accordingly, it would require extra steps and materials in order to make the chassis 2 and frames 29 from different materials. Note

that Irie clearly discloses that "with such integral structure, the number of components required to assemble the display device can be reduced. Accordingly, the manufacturing process of the display device can be simplified, and what is better, the manufacturing cost can be reduced."

Accordingly, this teaching away from the invention is an important indication of non-obviousness. *See, e.g. Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc. Inc.*, 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986).

To establish a *prima facie* case of obviousness, one must show "some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." *In re Fine*, 837 F.2d at 1074, 5 USPQ2d at 1598. There is no suggestion to combine, however, if a reference teaches away from its combination with another source. *See id.* at 1075, 5 USPQ2d at 1599.

Accordingly, the rejection is deemed to be in error and should be withdrawn.

#### **Claim 15**

Claim 15 is deemed to be allowable over the applied art fro the same reasons as argued above with respect to claim 1.

Claim 15 has additional patentability in that it differs from the invention claimed in claim 1 by requiring that and at least two pairs of said first reinforcing members and a remaining pair of second reinforcing members are made of said second material. (Emphasis added)

In Irie, there is no disclosure regarding the materials which make up the frames 29, and there is clearly no indication that the long members of frame 29 are made of a material different from the short members of frame 29, and no teaching that the short members themselves are

made of different materials. To make these elements of frame 29 from different materials would defeat the goal of Irie because it increase number of components required to assemble the display device as well as the manufacturing cost thus increasing the complexity in manufacturing Irie's device. However, it has been shown that Irie discloses a desire to reduce the number of components required to assemble the display device and the manufacturing cost , as well as a desire to simplify the manufacturing process of the display device.

We note here that the Examiner refers us only to the teachings of Irie with respect to the rejection of claims 15 -18, but the reference to "figures 3-4, col. 5, lines 60-67 to col. 6, lines 1-60" appear to be referring to the same cite as used when applying Yamamoto to claims 1 and 2. Accordingly, we will assume that the Examiner is applying Yamamoto as the apparent teaching with respect to the foregoing features of claim 15. Especially since the materials for manufacturing the reinforcing members 29 in Irie have not been disclosed.

Looking to Yamamoto we find no teaching that different materials are used to make the long and short sides of frame 25 (chassis 25).

Accordingly, the rejection is deemed to be in error for failing to provide a *prima facie* basis of obviousness, and thus should be withdrawn.

#### **Claim 17**

Claim 17 requires that the claimed second reinforcing members comprise *a pair of outer reinforcing members, each provided along respective ones of short side edges of the chassis base, and a pair of inner reinforcing members, each provided inwardly a predetermined distance from respective ones of the outer reinforcing members.*

Here the Examiner refers us to Irie's Figs. 1-6. We note that the reinforcing members


29 are illustrated in Irie's Figs. 4 and 5, and that there are only 3 "second reinforcing members". The Applicant's claim calls for two pairs, which means that there are at least 4 "second reinforcing members". Thus, it is impossible to have two pairs of "second reinforcing members" from only three such "second reinforcing members".

Accordingly, the rejection is deemed to be in error and should be withdrawn.

The examiner is respectfully requested to reconsider the application, withdraw the objections and/or rejections and pass the application to issue in view of the above amendments and/or remarks.

Should a Petition for extension of time be required with the filing of this Response, the Commissioner is kindly requested to treat this paragraph as such a request and is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of the incurred fee if, **and only if**, a petition for extension of time be required **and** a check of the requisite amount is not enclosed.

Respectfully submitted,

  
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